

Message Text

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ORIGIN STR-04

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 TRSE-00 LAB-04

OMB-01 COME-00 DODE-00 EB-07 SIG-01 AGR-05 CEA-01

CIAE-00 FRB-03 H-02 INR-07 INT-05 L-03 NSAE-00 NSC-05

PA-01 AID-05 CIEP-01 SS-15 ITC-01 USIA-06 PRS-01

SP-02 FEAE-00 AGRE-00 /106 R

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APPROVED BY STR:MPOMERANZ

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LABOR:RSCHULMAN/BWHITE

OMB:LHAUGH/SFARRAR

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DOD:RBOOTON/JDARLING

STATE:GWHITE/JSPIRO

----- 078889

P 300050Z SEP 76

FM SECSTATE WASHDC

TO USMISSION OECD PARIS PRIORITY

INFO ALL OECD CAPITALS PRIORITY

USDEL MTN GENEVA

USMISSION EC BRUSSELS

USMISSION GENEVA PRIORITY

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E.O. 11652: N/A

TAGS: ETRD, OECD, MTN

SUBJECT: GOVERNMENT PROCUREMENT

1. THE FOLLOWING ARE INSTRUCTIONS FOR THE U.S. DEL TO THE
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OCTOBER 5-8 MEETING OF THE OECD TRADE COMMITTEE WORKING

PARTY ON GOVERNMENT PURCHASING.

2. CONSISTENT WITH OUR VIEW THAT THE SECRETARIAT DRAFT (TC/WP(76)12), DATED JULY 29, 1976) TO THE MTN SUBGROUP ON GOVERNMENT PROCUREMENT IS A GOOD REPORT THAT REQUIRES LITTLE SUBSTANTIVE CHANGE, THE U.S. DEL SHOULD STATE THAT THE TCWP &BGHT TO MAKE EVERY EFFORT TO RAN OUGHT TO MAKE EVERY EFFORT TO TRANSMIT THE DOCUMENT TO THE GATT SECRETARIAT BEFORE THE OCTOBER 20 MEETING OF THE MTN SUBGROUP. THE DEL IS TO SEEK ONLY THE FOLLOWING CHANGES IN THE TEXT:

(A) THE FIRST SENTENCE OF PARA. 4 SHOULD BE AMENDED TO READ: "THE WORK TOWARD A SOLUTION IN THE OECD HAS BEEN ABLE TO DRAW ON THE EXTENSIVE EXPERIENCE AND SYSTEMS OF THE OECD MEMBER COUNTRIES WITH FULL UNDERSTANDING OF THE NEED TO FIND A SOLUTION COMPATIBLE WITH THE NEEDS OF COUNTRIES WITH LESS DEVELOPED PROCUREMENT SYSTEMS AND ECONOMIES."

(B) THE LAST PART OF THE SECOND SENTENCE OF PARA. 4 SHOULD BE AMENDED TO READ: "... DETAILED RIGHTS AND OBLIGATIONS LIKELY TO ENSURE THE WIDEST POSSIBLE COVERAGE OF THE PROCUREMENT UNIVERSE ON A RECIPROCAL BASIS AMONG THE COUNTRIES CONCERNED."

(C) THE FOURTH SENTENCE OF PARA. 10 IS UNNECESSARY AND SHOULD BE DELETED. PARA.14 SAYS ALL THAT NEED BE SAID ON THIS SUBJECT.

(D) IN PARA. 16 IT WOULD BE MORE ACCURATE TO USE THE WORD "SERIOUS" RATHER THAN "PERSISTENT".

----- (E) IN PARA. 16 IT WOU

(E) IN PARA. 22, THE PARENTHETICAL IS UNNECESSARY AND SHOULD BE DROPPED.

(F) REVISE THE OPENING SENTENCE OF PARA. 22 TO READ:
"A QUESTION ARISES AS TO WHETHER SPECIFIC OR GENERAL DEROGATION CLAUSES SHOULD BE ..." TO THE MTN
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AUDIENCE THE WORD "SAFEGUARD" HAS OTHER MEANINGS AND SHOULD THEREFORE BE AVOIDED HERE. SIMILARLY IN PARA. 25, THE WORDS "GENERAL DEROGATION" SHOULD BE SUBSTITUTED FOR "SAFEGUARD CLAUSE."

3. DEL SHOULD ENLARGE ON WORK ALREADY BEGUN TO GET KEY COUNTRIES TO AGREE BEFORE THE MEETING ON TACTICS REGARDING OECD DOCUMENTATION TO BE TRANSMITTED TO THE MTN SUBGROUP.

(A) WE PROPOSE THAT THE REVISED GUIDELINE PAPER TO BE PERFECTED AT THIS MEETING OF THE TCWP NOT HAVE THE RIGHT HAND PAGES OF NOTES THAT HAVE CHARACTERIZED ALL GUIDELINE REVISIONS TO DATE. THIS WILL RESULT IN THE SIMPLEST FORM OF DOCUMENT FOR THE MTN SUBGROUP AND MINIMIZE PROBLEMS IN THE SUBGROUP THEREBY. TO THE EXTENT THAT ANYTHING OF IMPORTANCE REMAINS ON THE NOTE PAGES OR SHOULD BE ON SUCH NOTE PAGES, SUCH ELEMENTS CAN BE CONVEYED TO THE SUBGROUP EITHER AS A PART OF THE REPORT FROM THE TCWP OF THIS MEETING, OR BY REFERENCE TO EARLIER OECD DOCUMENTS, SUCH AS REPORTS OF MEETING OF PAPERS ON INDIVIDUAL PROBLEMS DISCUSSED IN THE TCWP; (B) WE CONSIDER IT IMPORTANT THAT THIS MEETING OF THE TCWP DECIDE THAT THE OECD WILL TAKE THE MOST FORTHCOMING AND COOPERATIVE ATTITUDE TO THE NEEDS OF THE NEW MTN SUBGROUP". WE SHOULD LIKE THE NOT ONLY QUICKLY RESPOND TO THEIR REQUEST FOR A COPY OF THE REVISED GUIDELINES PAPER BUT THAT WE WILL SIMILARLY OF THE REVISED GUIDELINES PAPER BUT THAT WE WILL SIMILARLY RESPOND TO A REQUEST FOR ANY OTHER OECD DOCUMENTATION THAT MIGHT BE USEFUL AND APPROPRIATE.

4. DEL MAY SURFACE THE TEXTS FOR "FINAL PROVISIONS" IN THE CODE PREPARED LAST YEAR BUT NOT PRESENTED AT THE DECEMBER 1975 MEETING OF THE TCWP (PARA. 5 OF STATE 234316).

5. THE TIME IS NOT RIPE FOR EXPOSING TO THE TCWP THE U.S. SUBSTITUTE PROPOSAL FOR PUBLICATION OF AWARDS. THE U.S. DEL SHOULD ATTEMPT TO REACH PRIOR UNDERSTANDING WITH THE EC TO AVOID SUBSTANTIVE COMMENT ON PUBLICATION OF AWARDS ISSUE AT TCWP. IF PRESSED TO COMMENT IN TCWP DEL SHOULD ADHERE TO OUR OUTSTANDING INSTRUCTIONS AS TO ESSENTIALITY OF EX POSTE PUBLICITY.

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6. DEL MAY PROPOSE LANGUAGE OF SUPPLIER RIGHTS (PARAS. 4(A) AND (B) OF STATE 234316) IN TCWP IF PRIOR DISCUSSIONS WITH KEY DELS INDICATE THEY HAVE NO PROBLEMS WITH TABLING OF THIS TEXT.

7. WITH REGARD TO ALL OTHER ELEMENTS OF THE DRAFT CODE, DEL SHOULD BE GUIDED BY OUTSTANDING INSTRUCTIONS. ROBINSON

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